

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RONALD K. HOOKS, Regional Director
of the Nineteenth Region of the National
Labor Relations Board, for and on behalf of
the NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

No. 3:21-cv-00177-MO

OPINION AND ORDER

v.

NEXSTAR BROADCASTING, INC.
d/b/a **KOIN-TV**,

Respondent.

MOSMAN, J.,

This case comes before me on Petitioner's Petition for Preliminary Injunctive Relief [ECF 1]. Applying the *Winter v. Natural Resources Defense Council, Inc.* test for preliminary injunction at oral argument, I ruled for Petitioner on likelihood of success on the merits, balance of the equities, and public-interest factors. 555 U.S. 7, 20 (2008). I took under advisement the issue of irreparable harm. I was concerned about Petitioner's showing of irreparable harm because the evidence submitted by Petitioner shows there was majority support for the union immediately following Respondent's withdrawal of recognition. But under *Frankl v. HTH Corp.*, in § 8(a)(5) cases when there is a likelihood of success on the merits there is an inference of irreparable harm to union representation from the continuation of the unfair labor practice. 650 F.3d 1334, 1362–63 (2011). None of the evidence, including that in the supplemental record,

shows what support for the union is like now after more time has passed since the withdrawal of recognition. In the absence of any contrary evidence, I apply the inference stated in *Frankl*—an inference that grows in strength the longer the time gap between the withdrawal of recognition and the request for injunctive relief. Accordingly, I GRANT Petitioner’s Petition for Preliminary Injunctive Relief [ECF 1].

IT IS SO ORDERED.

DATED this 29 day of March, 2021.


MICHAEL W. MOSMAN
United States District Judge